

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

ALVOTECH USA INC. and
ALVOTECH HF.,
Plaintiffs,

v.

ABBVIE INC. and ABBVIE
BIOTECHNOLOGY LTD,
Defendants.

C.A. No. 2:21-cv-265-RAJ-DEM

**CONSENT MOTION AND MEMORANDUM IN SUPPORT FOR LEAVE TO FILE
AMENDED MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO
DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER**

NOW COME the parties, by counsel, and for this consent motion for Defendants AbbVie Inc. and AbbVie Biotechnology Ltd, to amend their Memorandum in Support of Motion to Dismiss or, in the Alternative, to Transfer (Dkt. No. 33) pursuant to Federal Rule of Civil Procedure 15(a)(2), state as follows:

1. On June 2, 2021, Defendants filed their Memorandum in Support of Motion to Dismiss, or in the Alternative, to Transfer (Dkt. No. 33) ("Memorandum").
2. Defendants subsequently determined that Section 2(b) of the Memorandum contained incorrect witness information.
3. Defendants seek through this consent motion to amend their Memorandum to correct the witness information, by removing the names of three potential witnesses on page 23 of the Memorandum. No further amendments are proposed.
4. Plaintiffs consent to the filing of an amended memorandum ("Amended Memorandum").

5. A copy of the Amended Memorandum is attached hereto as Exhibit 1.

6. Pursuant to Federal Rule of Civil Procedure 15(a)(2), “[A] party may amend its pleading ... with the opposing party’s written consent[.]” As this court has explained, the filing of a consent motion reflecting the parties’ consent to the motion is sufficient on its own to permit the filing of the amended pleading. *Winingear v. City of Norfolk*, 2014 U.S. Dist. LEXIS 184725, at *11 (E.D. Va. Feb. 3, 2014) (Morgan, J.) (“The Joint Amendment Motion constituted sufficient written consent to permit the filing of the Amended Memorandum.”)

WHEREFORE for the foregoing reasons the parties request the Court grant this Motion, enter the attached proposed Agreed Order to File the Amended Memorandum, and thereby accept the filing of the Amended Memorandum.

Dated: June 10, 2021

ABBVIE INC.
AND ABBVIE BIOTECHNOLOGY LTD

/s/ Richard H. Ottinger

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